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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,437	09/03/1999	SULTAN WEATHERSPOON	5038-12	5396
32231	7590	06/14/2006		
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER GYORFI, THOMAS A	
			ART UNIT 2135	PAPER NUMBER

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/389,437

Applicant(s)

WEATHERSPOON ET AL.

Examiner

Tom Gyorfi

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/22/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 16-20 remain for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 2/22/06 was filed after the mailing date of the Notice of Allowance on 11/17/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Allowable Subject Matter

3. Prosecution on the merits of this application is reopened on claims 16-20 considered unpatentable for the reasons indicated below: Applicant has submitted references via the IDS of 2/22/06 that contain the limitations that were previously held to be undisclosed by any prior art.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the article "Privacy and Authentication for Wireless Local Area Networks" (hereinafter, "Aziz"), and further in view of Ichikawa et al. (U.S. Patent 6,307,837).

Regarding claim 16:

Aziz discloses a method for operating a local area network comprising:
requesting access to a wired LAN (page 29, Protocol Encoding – Message 1);
generating a first authentication message including validating information about an access point directly connected to the wired LAN (page 29, Protocol Encoding – Message 2); transmitting the first authentication message from the access point to a wireless device over a wireless channel (page 30, Concrete Protocol and Idealized Protocol; see also page 25, "Design Goals"); validating the access point by analyzing the first authentication message without going through a firewall means responsive to the requesting (page 29, paragraphs 1-3); generating a second authentication message including validating information about the wireless device and a wireless device operator (page 29, Protocol Encoding – Message 3); transmitting the second authentication means from the wireless device to the access point (page 30, Concrete

Protocol and Idealized Protocol); validating the wireless device by analyzing the second authentication message without going through a firewall means responsive to the requesting (page 29, paragraphs 1-3); validating the operator, the wireless device, and the access point without going through the firewall means responsive to the requesting (Ibid), and enabling a data channel between the wireless device and the other devices on the wired LAN after validating the operator, the wireless device, and the access point, where validating the access point, the wireless device, and the operator occurs at an authentication means (Abstract).

Aziz does not disclose transmitting the first and second authentication messages to an authentication server after validating the access point and the wireless device without going through the firewall means. However, Ichikawa discloses an authentication server on the same network as the access point, wherein the authentication server guards access to the gateways also located on said network when a similar authentication procedure is followed (col. 7, line 45 – col. 8, line 18). It would have been obvious to include an authentication server into the system disclosed by Aziz, as doing so would permit end-to-end authentication from the wireless device to any additional LANs that the operator of said wireless device may choose to access (see Ichikawa, Figure 1).

Regarding claim 17:

Aziz and Ichikawa disclose the limitations of claim 16 above. Aziz further discloses transmitting information about the access point contained in a first authentication device (page 29, Protocol Encoding – Message 2).

It is noted that as the mobile device and base station each authenticate the other (page 25, last paragraph – page 26, 1st paragraph), each is an “authentication device” under the broadest possible definition of the term.

Regarding claim 18:

Aziz and Ichikawa disclose the limitations of claim 17 above. Aziz further discloses transmitting information about the access point contained in a first authentication device (page 29, Protocol Encoding – Message 3; see claim 17 above).

Regarding claim 19:

Aziz and Ichikawa disclose the limitations of claim 16 above. Aziz further discloses wherein transmitting the first and second authentication messages includes establishing a control channel between the access point and the authentication server (page 28, Figure 3 and “Key Change Protocol”).

Regarding claim 20:

Aziz and Ichikawa disclose all the limitations of claim 16 above. Aziz further discloses encrypting information transferred over the wireless and control channel (Ibid).

Conclusion

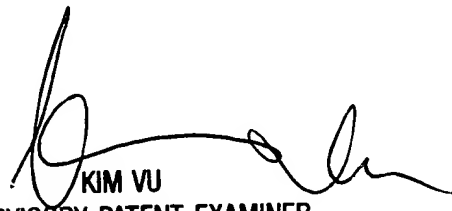
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "Security System for Wireless Local Area Networks" by Larry Korba. ©1998 IEEE.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG
5/30/06


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100